

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICIA BELTON, personal
representative of the estate of
JAMES ALAN ELLIS, deceased,

Civil Action No. 10-CV-14558

Plaintiff,

HON. BERNARD A. FRIEDMAN

vs.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.
_____ /

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

and

ORDER REMANDING CASE FOR FURTHER ADMINISTRATIVE PROCEEDINGS

This matter is presently before the court on cross motions for summary judgment. Magistrate Judge R. Steven Whalen has submitted a Report and Recommendation ("R&R") in which he recommends that plaintiff's motion be granted, defendant's motion be denied, and the matter remanded to defendant for further administrative proceedings. Neither party has filed objections to the R&R and the time for doing so has expired. The court has reviewed the file and the R&R and finds the magistrate's recommendation to be sound. Accordingly,

IT IS ORDERED that Magistrate Judge Whalen's Report and Recommendation is hereby accepted and adopted as the findings and conclusions of the court.

IT IS FURTHER ORDERED that defendant's motion for summary judgment is

denied.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is granted insofar as this matter is remanded to the Commissioner of Social Security for further proceedings as explained at pages 15-18 of the R&R.

S/Bernard A. Friedman_____
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: November 28, 2011
Detroit, Michigan